

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 L-03 CAB-09 CIAE-00 COME-00

DODE-00 DOTE-00 INR-10 NSAE-00 RSC-01 FAA-00 PM-07

H-03 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15 OMB-01

DRC-01 /122 W

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R 241902Z MAY 74

FM AMEMBASSY ROME

TO SECSTATE WASHDC 4997

INFO AMCONSUL FRANKFURT

AMCONSUL PALERMO

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FRANKFURT FOR FAA

E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR-REQUEST FOR FAA ASSISTANCE BY ITALIAN COURT

REF: A. STATE 107408

B. ROME A-421 OF AUGUST 6, 1972

C. ROME A457 OF AUGUST 6, 1973

1. MAY 5, 1972 PALERMO/PUNTA RAISI AIRPORT AIR DISASTER HAS BEEN THOROUGHLY INVESTIGATED BY PROPERLY CONSTITUTED CIVILAVIA/REGISTRO AERONAUTICO ITALIANO BOARD OF INQUIRY, WHICH CONCLUDED ACCIDENT RESULTED FROM PILOT ERROR. BOARD REPORT TRANSMITTED DEPARTMENT UNDER COVER REF (B).

SUBSEQUENTLY, DEPUTY PROSECUTOR AT CATANIA CONDUCTED OWN INVESTIGATION AND CONCLUDED FAULTY AIR NAVIGATION/LANDING ASSISTANCE EQUIPMENT WAS CONTRIBUTING FACTOR. JUDICIAL NOTICE OF CRIMINAL PROCEEDINGS WAS GIVEN TO THEN DIRECTOR GENERAL SANTINI OF CIVILAVIA AND OTHERS. DEPUTY PROSECUTOR'S REPORT SUMMARIZED REF (C).

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2. AS SITUATION EXPLAINED TO EMBASSY BY WELL INFORMED, IMPARTIAL EXPERTS, BOTH CONCLUSIONS COULD WELL BE CORRECT. PILOT OF DC-8 OBVIOUSLY FAILED FOLLOW PROPER PROCEDURES FOR PUNTA RAISI OPERATIONS, WHICH FAILURE PROBABLY DIRECT CAUSE OF CRASH. IT ALSO TRUE, HOWEVER, THAT NOT ALL AIR NAVIGATION/LANDING ASSISTANCE EQUIPMENT AT PUNTA RAISI FUNCTIONING PROPERLY AT TIME OF CRASH. QUESTION IS RELATIVE IMPORTANCE THESE FACTORS AS CAUSE OF CRASH.

3. KEY FACTOR IN DEPUTY PROSECUTOR'S CASE IS WHETHER PUNTA RAISI RADIO BEACON WAS LOCATED IN POSITION WHICH, BY REASON OF REFLECTIONS FROM SURROUNDING TERRAIN, MIGHT RESULT IN FALSE SIGNAL BEING RECEIVED BY APPROACHING AIRCRAFT. CONTENTION IS THAT PILOT, BY REASON OF FAULTY BEACON RECEPTION, BELIEVED HE WAS OVER OCEAN WHEN IN FACT HE WAS NOT. CATANIA CRIMINAL COURT WANTS EXPERT INVESTIGATION OF THIS (AND RELATED) FACTORS. (HOWEVER, ACCIDENT OCCURED ON RELATIVELY CLEAR NIGHT AND PILOT HAD ACKNOWLEDGED SIGHTING RUNWAY LIGHTS AND REPORTED HE WAS APPROACHING FOR LANDING.)

4. ITALIAN AIRLINE PILOTS ASSOCIATION ANXIOUS REMOVE STIGMA OF "PILOT ERROR" FROM THIS CASE WHILE GENERAL SANTINI DESIRES PRESERVE HIS (AND CIVILAVIA'S) REPUTATION AND THEREBY AVOID CRIMINAL PROSECUTION. (SANTINI NOW MINISTRY FOREIGN AFFAIRS ADVISOR ON CIVIL AVIATION AFFAIRS AND IN THIS CAPACITY IS CHIEF NEGOTIATOR AND DELEGATION CHAIRMAN FOR GOI.) BOTH PARTIES HAVE EXCELLENT POLITICAL CONNECTIONS AND CASE CURRENTLY HAS POLITICAL ASPECTS.

5. ANY FINDING BY IMPARTIAL BODY OF OUTSIDE EXPERTS WOULD, IN ABOVE SITUATION, CAUSE DISSATISFACTION IN SOME QUARTERS, AS WOULD DECISION NOT TO ASSIST COURT. SANTINI WILL BE UPSET IF FAA DOES NOT ASSIST COURT BUT IT PROBABLY THAT IMPARTIAL EXPERTS' REVIEW WOULD SUPPORT FINDING THAT AIR NAVIGATION/LANDING ASSISTANCE EQUIPMENT NOT FUNCTIONING PROPERLY AT TIME OF CRASH. WHETHER SUCH MALFUNCTION WAS DETERMINING FACTOR IN CRASH, GIVEN CONDITIONS AT TIME OF ACCIDENT, IS STILL ANOTHER QUESTION AND IS PROBABLY BEYOND SCOPE OF ASSISTANCE DESIRED BY COURT. INITIAL BOARD OF INQUIRY AWARE OF AIR NAVIGATION/LANDING ASSISTANCE EQUIPMENT SHORTCOMINGS, CONSIDERED RELATIVE IMPORTANCE OF ALL FACTORS, AND LIMITED OFFICIAL USE

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FOUND PILOT ERROR WAS CAUSE. DEPUTY PROSECUTOR'S INVESTIGATION, BASED ON SOME FACTS, CONCLUDED EQUIPMENT SHORTCOMINGS WERE MAJOR FACTOR.

6. EMBASSY HAS NO RECOMMENDATION AS TO WHETHER FAA OR OTHER EXPERTS SHOULD ASSIST CATANIA COURT. EMBASSY REQUESTS, HOWEVER, THAT IT BE NOTIFIED TELEGRAPHICALLY OF FAA/DEPARTMENT RESPONSE AS SOON AS DECISION MADE. VOLPE

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